

Attorney Docket No. 21272-029CIP2G
Hyseq Docket No. 787CIP2G

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE RECEIVED

AUG 06 2002

CERTIFICATE OF FACSIMILE
UNDER 37 CFR 1.3(a)

GROUP 1600

Applicant(s): Tang, et al.

Serial No: 09/774,434

Filed: January 30, 2001

For: NOVEL NUCLEIC ACIDS AND
POLYPEPTIDES

I hereby certify that this paper is being transmitted to
the United States Patent and Trademark Office by facsimile
and addressed to the Assistant Commissioner for Patents,
P.O. Box 2327, Arlington, VA 22202.

Date of Facsimile Transmission: August 5, 2002

Type or Print Name of Person Faxing: Luisa Bigornia

Luisa Bigornia
Signature of Person

TRANSMITTAL LETTER

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

Enclosed are the following items for filing in the above-referenced U.S. Patent Application:

1. Applicants' Amendment and Response to a Restriction Requirement dated 08/05/2002.
2. Applicants' Request for Extension of Time under 37 CFR 1.136(a).

The Commissioner is hereby authorized to charge payment of any fees which may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 501169. A duplicate copy of this sheet is enclosed.

Please refund any overpayment to Hyseq, Inc. at the address below.

Respectfully submitted,

By: *Luisa Bigornia*
Luisa Bigornia
Attorney for Applicants
Registration No.: 45,974
HYSEQ, INC.
670 Almanor Avenue
Sunnyvale, CA 94085
(408) 524-8100
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Date: August 5, 2002

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GROUP 1600**FACSIMILE TRANSMISSION COVER**DATE: August 5, 2002TO: Examiner SouayaCOMPANY: United States Patent and Trademark OfficeTELEPHONE NO.: (703) 308-6565FAX NO.: (703) 305-3014FROM: Luisa BigorniaRE: USSN: 09/774,434TOTAL PAGES
(including cover sheet): 11

COMMENTS:

Dear Examiner Souaya,

This response is timely and should be entered a one-month extension of time. If you have any questions, or need any additional information, please contact my assistant, Annya Dushine, at (408) 746-4592.

Regards,
Luisa Bigornia

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*H2A
RP
8-7-02*Attorney Docket No. 21272-029CIP2G
Hyseq Docket No. 787CIP2G

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tang, et al.

Serial No: 09/774,434

Filed: January 30, 2001

For: NOVEL NUCLEIC ACIDS AND
POLYPEPTIDESCERTIFICATE OF FACSIMILE
UNDER 37 CFR 1.6(d)

I hereby certify that this paper is being transmitted to the United States Patent and Trademark Office by facsimile and addressed to the Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

Date of Facsmilic Transmission: August 5, 2002

Type or Print Name of Person Faxing: Luisa Bigornia


Signature of PersonRESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Examiner Souaya:

RESTRICTION REQUIREMENT

In response to the June 5, 2002 Restriction Requirement in the above-identified application, Applicants elect with traverse Group I, claims 1-8 and 21-25, drawn to nucleic acids, vectors, host cells, and arrays. In response to the sequence election requirement, Applicants elect with traverse SEQ ID. NO: 6. Applicants make this election without prejudice to pursuing non-elected subject matter in later applications.

The response to the Restriction Requirement is due on or before August 5, 2002, with a one-month extension of time. The Commissioner is hereby authorized to charge the requisite fees that may be due, or credit any overpayment of same, to Deposit Account No. 501169.

PRELIMINARY AMENDMENT

Prior to substantive examination, please amend the application as follows:

IN THE CLAIMS

Claims 9-20 and 26-27 were cancelled.

Claims 1, 2, and 21 have been amended as follows:

1. (amended) An isolated polynucleotide comprising a nucleotide sequence selected from the group consisting of SEQ ID NO: 6[1-6],or a mature protein coding portion of SEQ ID NO: 6[1-6, an active domain of SEQ ID NO: 1-6, and complementary sequences thereof].
2. (amended) An isolated polynucleotide encoding a polypeptide with biological activity, wherein said polynucleotide has greater than about [90%]99% sequence identity with the polynucleotide of claim 1.
21. (amended) A collection of polynucleotides, wherein the collection comprises the sequence information of [at least one of SEQ ID NO:1-10]SEQ ID NO: 6.

REMARKS

Upon entry of the foregoing amendments, claims 1-8 and 21-25 are under consideration.

Support for the amendment to claim 1 appears at least in the originally filed claim 1.

Support for the amendment to claim 2 appears at least from page 18, lines 27-28 of the specification. Support for the amendment to claim 21 appears at least in the originally filed claim 21.

Applicants respectfully submit that the pending claims are in a condition for allowance. Applicants make this amendment for the sole purpose of expediting prosecution and for clarity, and not in response to any ground or reason for patentability in response to an action in this or related cases. An early action on the merits is respectfully requested. The undersigned can be reached at 408-746-4536 if the Examiner wishes to discuss the response.

Respectfully submitted,

Date: August 5, 2002

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